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EIA
NSWMA
NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION

February 19, 2002

Docket Management
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Docket Number NHTSA-2001-10856 -5

The National Solid Wastes Management Association (NSWMA) is pleased to comment on the National Highway Traffic Safety Administration's (NHTSA) proposed rulemaking: *Motor Vehicle Safety; Disposition of Recalled Tires*, which was published in the December 18, 2001 *Federal Register* (66 FR 65165). NSWMA is a trade association representing the private sector waste service companies. NSWMA members own and operate some 800 municipal solid waste landfills that represent almost 60 percent of America's landfill capacity. NSWMA members also include refuse haulers, recyclers, combustion facility operators, and recycling processing facility operators.

Solid waste management companies play a crucial role in protecting public health. The failure to properly collect and dispose of refuse in a timely manner can lead to serious public health problems. In addition, the failure to operate land disposal facilities in compliance with permits issued by state authorities under state requirements and the requirements of Subtitle D of the Resource Conservation and Recovery Act (RCRA) can also lead to serious public health problems.

NSWMA supports the proposed amendments to 49 CFR Part 573.5, specifically subparagraphs (c)(9)(C)(1) and (2), that require tire manufacturers to provide written directions to manufacturer-owned and other manufacturer-controlled facilities, and to all other outlets authorized to replace recalled tires in compliance with applicable state and local laws and regulations regarding the disposal of tires. As noted in the preamble to the proposal (66 FR 65166), 49 of the 50 states regulate scrap tire management and many states ban the disposal of whole scrap tires in landfills. NSWMA members operate landfills in full compliance with their permit requirements including those requirements related to the disposal of scrap tires.

NSWMA also agrees with the problems posed by whole tire piles as described in the preamble, Section II(A)(1)(a): *Problems Posed by Scrap Tires* (66 FR 65166). However, NHTSA's description of alleged problems caused by landfilling whole tires is inaccurate. While whole tires may have risen to the surface in some older, poorly operated landfills prior to the newer landfilling techniques and the promulgation of EPA's Subtitle D requirements, whole tires will not rise in a properly operated Subtitle D landfill. NHTSA's example of

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floating tires in landfills represents conditions that no longer exist. Nor are they an accurate reflection of operating conditions in those states that permit landfilling whole or shredded tires.

In fact, numerous states allow the use of whole, shredded, and chipped tires as an alternative construction material in landfills. Table 1 provides a partial list of landfills that have used and are currently using whole or chipped tires as a replacement for standard construction materials. For example, tires have been used as a drainage layer over leachate collection systems. Tires placed on top of the permeable drainage layer (i.e., sand or gravel) in a leachate collection system improve the leachate collection system efficiency, are less prone to clogging, and prevent sharp objects in the waste stream from puncturing the liner system. These tires, which can be whole or shredded, are used as an environmentally protective layer in the liner and the leachate collection system to enhance its ability to protect groundwater. This use is a part of the landfill's operating permit and is sanctioned by applicable state landfill permitting regulations. In fact, this is a "positive reuse" that should be lauded by NHTSA.

NSWMA also supports the intent of subparagraphs 573.5(c)(9)(iii) and (c)(9)(iii)(C) that requires manufacturers to channel recalled tires into "positive reuse" such as shredding, crumbling, recycling and recovery or other alternative beneficial non-vehicular uses. In addition to the beneficial use of whole tires in landfills noted above, we also point out that shredded and chipped tires are used at landfills in the drainage layers under the final cover, as daily or intermediate cover, in the permeable zone around gas collection systems, in liquid reinjection systems, and to prevent erosion. In fact, these uses are among those classified by the Scrap Tire Management Council as "civil engineering application" uses for scrap tires. We ask that NHTSA be clear on the definition of "positive reuse" so that these types of scrap tire uses are not considered disposal.

NSWMA fully supports tire-recycling programs that are economically and environmentally protective. We also support the positive reuse of whole, shredded and chipped tires in landfills pursuant to appropriate state permit requirements. Thus, we request that the summary to the final rule provide a complete and accurate discussion of the positive reuses of whole, shredded, and chipped tires in modern landfill construction and management, as well as the fact that whole tire disposal in landfills, while not preferable, does not result in tires rising to the surface in well operated Subtitle D landfills.

NSWMA appreciates NHTSA's quick response to the regulatory requirements of the TREAD Act. If you have any questions about these comments, please contact me at 202-364-3730.

Sincerely

Bruce J. Parker

Bruce J. Parker
President

Table 1. Partial List of Landfills Using Tire or Tire Chips for Construction Purposes

Landfill Name, State	Category of Tire Usage				
	Gas Collection[1]	LCRS[2]	LC Infil/RC[3]	Protective Cover	Daily Cover
Okeechobee, Florida				X	X
Pinuelas Valley, Puerto Rico				X	X
Central, Florida	X			X	
Naples, Florida	X				
Spring Hill, Florida	X				
Pine Bluff, Georgia		X			
Live Oak, Georgia	X				
Atascocita, Texas	X	X	X		
Security, Texas	X				
Coastal Plains, Texas		X			
Iris Glen, Texas	X			X	
Cedar Ridge, Tennessee		X			
East Oak, Tennessee				X	
King George, Virginia					X
Charles County, Virginia			X		X
Maplewood, Virginia					X
Qualle Road, Virginia		X			
Metro, Wisconsin			X		X
Outer Loop, Kentucky	X		X	X	X
Evergreen, Indiana			X		
Crossroads, Maine		X			
Turnkey, New Hampshire		X			
Altamont, California	X				
Hamm Quarries, Kansas		X			
Pendleton County, Kentucky			X		
Medora, Indiana					X
Rolling Meadows, Kansas		X			
City of Lincoln, Nebraska	X	X			
Grand Central, Pennsylvania		X			
Rumpke, Ohio		X			

1. Gas collection = gas collection trenches, backfills, etc.
2. LCRS = leachate collection and recovery system
3. LC Infil/RC = leachate infiltration and recirculation system